

Agenda No.: 12
Public Hearing: Zoning Case Z09-0001
Owner(s): Stonecreek Land, L.P.

DESCRIPTION:

A request to amend Planned Development-79 development standards regarding secondary access requirements for Tract 2 (Chapel Creek). The property contains 22.4± acres and is located on the north side of (proposed) Brookhollow Boulevard, 800± feet west of Preston Road. Zoned Planned Development-79-Single Family-5. Neighborhood #23. MW

HISTORY

Ordinance No. 98-04-19 – City Council adopted the Ordinance on April 21, 1998, rezoning the property from Agricultural to Single Family-5 and incorporating the property into Planned Development-79 (Chapel Creek).

Ordinance No. 00-09-14 – City Council adopted the Ordinance for Z2000-07 on September 5, 2000, amending Planned Development-79 to provide additional requirements for gating, access, and setbacks for Tract 2.

Ordinance No. 03-06-51 – City Council adopted the Ordinance for Z2003-0011 on June 17, 2003, incorporating additional property into the Planned Development. Tract 2 was not amended by this request.

Zoning Case Z08-0001 – The Planning & Zoning Commission recommended denial of a zoning case to amend the development standards regarding secondary access requirements for Tract 2 at their March 11, 2008 meeting. The applicant did not appeal the decision to City Council.

See attachment “A” regarding history of Zoning Case Z08-0001.

CASE OVERVIEW:

The surrounding land uses are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Stonebrook Estates	Planned Development-58-Single Family-5	Residential
East	Preston-Stonebrook Center (Retail)	Commercial-1	Retail

South	Vacant	Planned Development-78-Multifamily-1	Residential
West	Chapel Creek	Planned Development-79-Single Family	Residential

The applicant is requesting to amend Planned Development-79 (Tract 2) Development Standards to allow for secondary emergency-only access through Stonebrook Estates to the north. Due to resident opposition during the original zoning case in 1998, the original Planned Development prohibited vehicular access to the north and required the second point of access to be provided through the retail property to the east, being at the rear of the now vacant Albertson's grocery store. Land Plan has been unable to get the property owners of the commercial property to grant the easement required to gain access to the property.

The proposed relocation to Stoneridge Drive provides a better direct access point for emergency vehicles. The applicant is also providing a decorative wrought iron gate with stone columns at the terminus of Stoneridge Drive (see Attachment "B"). Access to the Hike & Bike Trail will also be maintained. The emergency access will be paved with a surface to be approved by the Fire Marshal. This access point will be for emergency vehicles only.

ISSUES:

As with Zoning Case Z08-0001, the residents of Stonebrook Estates have voiced many concerns regarding the potential emergency access.

- **Re-submittal of zoning case** – Many residents have expressed concern that Land Plan was able to re-submit the same zoning request that was denied by the Planning & Zoning Commission on previous occasions. The City cannot prohibit a property owner from submitting a zoning request on their property. Land Plan is fully within their rights to submit the request.
- **Weekly testing of Opticom system** – Residents have expressed concern about the weekly monitoring of the emergency gate's Opticom system by the Fire Department, specifically large fire trucks accessing the area. The Fire Chief has indicated that the Fire Department uses a variety of vehicles to test the Opticom system, including department SUV's, ambulances, and other vehicles. The Fire Chief has also expressed a willingness to work with the residents if the type of vehicle is a concern.
- **Fire trucks responding to emergencies through Stonebrook Estates** – A major concern of residents has been the possibility of fire trucks responding to emergencies in Chapel Creek through Stonebrook Estates. Currently, there is no median opening on Stonebrook Parkway at Stoneridge Drive. Fire trucks responding from the Central Fire Station would need to turn onto Stonebrook Parkway, then left on Boulder, right on Stoneview, then left on Stoneridge in order to access the emergency gate (See Attachment "C"). This is a circuitous route through residential streets. Accessing Chapel Creek via Preston Road and

Brookhollow Boulevard is a more direct route with fewer residences to impede response time. The access from Stoneridge would be a secondary access that might be utilized in only a handful of scenarios.

Staff maintains that connections between neighborhoods are paramount for emergency access. In this specific case, if the street cross-hatched on Attachment "D" happens to be blocked by emergency vehicles, the remainder of the subdivision would not be accessible in the event of an additional emergency. This proposed emergency connection to Stoneridge Drive can also benefit the Stonebrook Estates neighborhood by providing another emergency access point.

SUMMARY:

The applicant has worked with staff to provide a plan that incorporates the need for emergency access and maintains pedestrian access to the City's Hike & Bike Trail. Providing emergency access between Stonebrook Estates and Chapel will be beneficial to both neighborhoods in the event of an emergency. Providing access points generally improves response time and access options. Staff supports the amendment to the Planned Development.

RECOMMENDATION:

Staff recommends approval of the request, subject to the following amendments. Deletions are in ~~strike through~~ and additions are underlined.

Tract 2: Planned Development – Single-Family-5 (PD-SF-5) (22.65 acres)

The tract may be developed under the regulations of the Single-Family-5 (SF-5) district as outlined in the Comprehensive Zoning Ordinance No. 93-07-11 as it currently exists or may be amended, subject to the following additional conditions:

1. Permitted Use: Gated Community
2. Minimum front yard setback of twenty (20) feet.
3. Minimum side yard setback of six (6) feet; minimum of twelve (12) feet on corner lots adjacent to side streets.
4. Minimum lot width of fifty-seven (57) feet.
5. Minimum rear yard setback of twelve (12) feet, except as follows:
 - a. In the event that rear-entry garages are constructed, the minimum rear yard setback shall be twenty (20) feet.
 - b. For lots adjacent to the northern property line (Stonebrook Estates) of Tract 2:

1. The minimum rear yard setback shall be twelve (12) feet for the one (1) story portion of a dwelling unit, and twenty (20) feet for that portion of a second (2nd) story containing transparent windows directly facing the northern property line.
 2. If the second (2nd) story of a dwelling unit contains only opaque windows, louvered windows, windows more than six (6) feet above the finished floor elevation of the second (2nd) story, or any other type of window that does not permit direct view of the lots north of Tract 2, the minimum rear yard setback for the second (2nd) story shall be twelve (12) feet.
 3. If the second (2nd) story portion of the dwelling unit does not contain any windows that directly face the northern property line; the minimum rear yard setback for the second (2nd) story shall be twelve (12) feet.
6. Minimum dwelling area of eighteen hundred (1,800) square feet.
7. ~~Vehicular access to the property north of Tract 2 shall not be permitted.~~
8. 7. Lots adjacent to the northern property line of Tract 2 shall be front entry.
9. 8. A second point of access (for emergency vehicles only) shall be provided ~~through the service area of the existing shopping center located east of from~~ Tract 2 to Stoneridge Drive, as identified on the Concept Plan, Exhibit D. The access easement shall be gated with an ornamental tubular steel gate and improved with a surface approved by the Fire Department.
- ~~10.~~ 9. Installation and maintenance of wood fences along the northern property line of Tract 2 shall be the responsibility of the individual lot owners of lots adjacent to the northern property line.
- ~~11.~~ 10. Means of pedestrian access shall be provided from Stonebrook Estates to the open space along creek area within Tract 1.
- ~~12.~~ 11. Effort shall be made to preserve existing trees located along the northern property line of Tract 2, directly adjacent to Stonebrook Estates that are six (6") inches in caliper or larger and listed in the Recommended Plant Materials list, Section 39 of the Comprehensive Zoning Ordinance.
- ~~13.~~ 12. Approximately one (1) acres of land at the northwest corner of Tract 2 shall be common open space, as indicated on the Concept Plan, Exhibit D.